IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14475 of 2004

Between:

Burra Bondaiah, S/o. Gouraiah,

Aged: 38 years, occ: Agriculture,
R/o. Bhoopalpalli Village and Mandal, Warangal District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Bhoopalpalli, Warangal District.
2 Revenue Divisional Officer, Mulug, Warangal District.
3 Renukuntla Komraiah, S/o. Madanaiah,

aged 34 years, occ: Agriculture,
Bhoopalpalli Village and Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the Urgent Memo RC.No.B/381/2004 dated 9-8-2004 issued by the Mandal Revenue Officer, Bhoopalpalli village and Mandal, Warangal District is highly arbitrary, bad and illegal.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondents 1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3: None appeared.

The Court at the admission stage made the following :

ORDER:

The land in Sy.No.319 admeasuring Ac.2.63 gts originally belonged to Gone Venkata Rajasimha Rao. It is the case of the petitioner that petitioner's father purchased an extent of Ac.1.25 gts in Sy.No.319 in the year 1960 from the said Gone Venkata Rajasimha Rao. It appears, after coming into force of A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the original owner filed a declaration under Section 8(1) of the said Act and he was declared to be a surplus holder. The Land Reforms Tribunal issued orders accepting the surrender of excess lands made by the said Venkata Rajasimha Rao including the lands, which were purchased by the petitioner's father. It appears that the petitioner's father approached the Land Reforms Appellate Tribunal, which allowed the appeal and deleted the land admeasuring Ac.1.25 gts in Sy.No.319 from the list of lands proposed for surrender. Be that as it is, when the Mandal Revenue Officer issued memo on 26-08-2003 directing the Panchayat Secretary of Bhoopalpalli village not to allow anybody to enter into the lands in Sy.No.319, the petitioner filed a writ petition being W.P.No.19951 of 2003, questioning the said memo. This Court by an order, dated 23-09-2003 in W.P.M.P.No.25013 of 2003, issued interim orders staying dispossession. The petitioner again filed a suit, being O.S.No.275 of 2004, against the third respondent and two others for permanent injunction and obtained an ad interim injunction in I.A.No.544 of 2004, dated 15-07-2004.

The third respondent filed an application before the Mandal Revenue Officer on 16-08-2002, for issuance of pattadar pass book and title deeds in respect of land admeasuring Ac.1.00 in Sy.No.319 of Bhoopalpally village and it was not acted upon. The third respondent filed a writ petition being W.P.No.12865 of 2004 for direction to the Mandal Revenue Officer to consider his representation. This Court while admitting the writ petition by an order dated 23-07-2004 in W.P.M.P.No.16432 of 2004 directed the respondents therein namely Revenue Divisional Officer, Mulug and Mandal Revenue Officer, Bhoopalpally Mandal to consider the representation of

the third respondent and pass appropriate orders. Thereafter, the first respondent herein issued impugned Urgent Memo R.C.No.B/381/2004 dated 09-08-2004 directing the Panchayat Secretary of Bhoopalpally village to issue pattadar pass book to the third respondent in respect of land in Sy.No.319 of Bhoopalpally village in compliance with the orders of this Court in W.P.M.P.No.16432 of 2004 dated 23-07-2004. The said memo is assailed in the present writ petition.

There are already two writ petitions pending in respect of the same land before this Court besides the suit filed by the petitioner being O.S.No.275 of 2004 on the file of the Court of the II Additional Senior Civil Judge, Warangal. In case, the petitioner is aggrieved by the impugned order, nothing prevents him from filing an application in the two writ petitions pending before this Court. Indeed it is brought to my notice that the petitioner has already moved two applications in writ petition No.12865 of 2004-one for impleading and another for vacating the interim order dated 23-07-2004. Nothing prevents the petitioner to pursue the same. Further, the impugned memo is one passed by the Mandal Revenue Officer in compliance with the order of this Court presumably in exercise of the powers under the provisions of A.P. Rights in Land & Pattadar Pass Books Act, 1971. In such an event, the petitioner has an effective remedy of appeal under Section 5(5) of the said Act to the Revenue Divisional Officer and all questions especially questions of disputed facts can be decided by the appellate authority. The petitioner has not availed even that remedy. The petitioner for one reason or other has resorted to multiplicity of proceedings before this Court as well as the common law Court. In that view of the matter this Court is not inclined to admit this writ petition, while ordering status quo as to possession as on today and giving liberty to the petitioner to file an appeal before the Revenue Divisional Officer or move an appropriate application in any of the pending writ petitions.

The writ petition is accordingly disposed of at the admission stage.

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17-08-2004 (V.V.S.RAO, J)

vs

Note: Issue C.C by Monday i.e., 23-08-2004.

B/o.

vs

To

1 The Mandal Revenue Officer, Bhoopalpalli, Warangal District.
2 The Revenue Divisional Officer, Mulug, Warangal District.

3 Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad (O.U.T).

4 Two CD copies.

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HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14475 OF 2004

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Dated: 17-08-2004